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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

PETER DELVECCHIA, *et al.*,

Plaintiffs,

vs.

FRONTIER AIRLINES, INC., *et al.*,  
Defendants.

**Case No: 2:19-CV-01322-KJD-DJA**

**DECLARATION OF JOHN D. MCKAY  
IN SUPPORT OF PLAINTIFFS'  
UNOPPOSED SECOND MOTION FOR  
RELIEF FROM PAGE LIMIT**

I, John McKay, make the following Declaration pursuant to 28 U.S.C. §1746:

1. I am lead counsel for Plaintiffs in the above-captioned action.
2. On February 22, 2022, acting on behalf of Plaintiffs, I served on counsel for Defendants Plaintiffs' Fourth Requests for Admissions to Defendant Frontier Airlines, Inc., consisting of 16 requests, and Plaintiff Peter DelVecchia's Seventh Requests for Production to Defendant

Frontier Airlines, Inc., consisting of 34 requests. The requests were served by email, pursuant to prior agreement of all counsel concerning service of discovery in this case.

3. On February 23, 2022, I served on counsel for Defendants Plaintiff Peter DelVecchia's Fourth Interrogatories [*sic*] to Defendant Frontier Airlines, Inc., which actually consisted of just one interrogatory seeking specific details in the event that Frontier denied one of the Requests for Admissions. I also served that interrogatory by email.

4. In total, I served 51 discovery requests on Defendant Frontier on February 22<sup>nd</sup> and 23<sup>rd</sup>.

5. On March 24, 2022, I received two emails from defense counsel that had attached to them Frontier's responses to the 51 discovery requests. Upon reading the responses, I saw that Frontier had objected to all 51 requests. Most of the objections are identical, and they contain 14 lines of text and 178 words each.

6. On March 31, 2022, I completed a meet and confer session with defense counsel Brian Maye and Lawrence Gosewisch concerning the objections. Mr. Gosewisch requested to have until April 8<sup>th</sup> to consider whether Frontier would agree to drop its objections to four of the 16 requests for admissions. I granted his request, and on April 8<sup>th</sup> he informed me that Frontier was not willing to drop those objections.

7. On April 15, 2022, I set forth the full text of all 51 requests and the full text of all 51 objections on pleading paper, beneath the case caption and above a date and signature line. I also included the text of the definitions to the requests for production, since all of those requests contained bolded terms that were defined in the definitions and might be subject to some confusion if the definitions did not accompany the requests. I formatted the requests, responses and definitions as long quotations, single spaced and justified. At the completion of that exercise, the text covered 23 pages fully. That would leave only a single page on which to

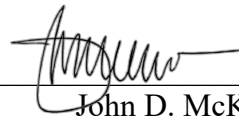
1 present arguments as to 51 separate discovery requests. I do not believe that is sufficient to  
2 properly argue, with fully developed arguments and appropriate citations of authority,  
3 Plaintiffs' position as to why the requests seek relevant and proportional information and  
4 should be answered by Frontier.  
5

6 8. Because the requests cover a number of different topics, I believe that a minimum of 26  
7 additional pages will be needed to present fully developed arguments as to all 51 requests, as  
8 required by the Court. That is calculated based on a half-page of argument and citations per  
9 request.  
10

11 9. On April 15, 2022, I reached out to Messrs Maye and Gosewisch and explained the situation  
12 described above, and asked if they would consent to my filing the Motion for Relief From  
13 Page Limit as unopposed. Mr. Gosewisch responded that Defendants consented to my  
14 describing the Motion as unopposed by them.  
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16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on April 15, 2022.  
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23 John D. McKay  
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